

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JOEL TAVERA, et al.,	:	
	:	
Plaintiffs,	:	
	:	18-cv-07312-LDH-SJB
v.	:	("Tavera")
	:	
HSBC BANK USA, N.A., et al.,	:	
	:	
Defendants.	:	
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STIPULATION AND [PROPOSED] ORDER

Plaintiffs, the Stipulating Defendants¹ and Defendant Crédit Agricole S.A. ("CASA"), through their respective undersigned counsel, hereby stipulate and agree as follows:

WHEREAS a Complaint against certain of the Stipulating Defendants in matter 14 Civ. 06601 (PKC-CLP) ("*Freeman I*") was filed on November 10, 2014, an Amended Complaint was filed on April 2, 2015, *Freeman I* ECF No. 77, and a Second Amended Complaint was filed on July 12, 2016, *Freeman I* ECF No. 110;

WHEREAS the Court entered an order staying discovery in *Freeman I* on January 16, 2015, *Freeman I* ECF No. 37;

WHEREAS the Stipulating Defendants named in the Second Amended Complaint in

¹ The Stipulating Defendants are HSBC Bank USA, N.A.; HSBC Holdings plc; HSBC Bank plc; HSBC Bank Middle East Limited; HSBC North America Holdings, Inc.; Barclays Bank PLC; Barclays Bank PLC, New York Branch; Standard Chartered Bank; Standard Chartered Bank, New York Branch; The Royal Bank of Scotland N.V.; The Royal Bank of Scotland plc; The Royal Bank of Scotland plc, New York Branch; Credit Suisse AG; Credit Suisse AG, New York Branch; BNP Paribas S.A.; BNP Paribas S.A., New York Branch; Deutsche Bank AG; Deutsche Bank AG, New York Branch; Crédit Agricole Corporate & Investment Bank; Crédit Agricole Corporate & Investment Bank, New York Branch; Commerzbank AG; Commerzbank AG, New York Branch.

Freeman I filed a motion to dismiss on November 10, 2016, *Freeman I* ECF No. 120;

WHEREAS Plaintiffs filed a Complaint against the Stipulating Defendants and Defendant CASA in the above-captioned matter (“*Tavera*”) on December 21, 2018;

WHEREAS the parties in this action entered into a stipulation, which provided that (1) all proceedings in *Tavera* with respect to the Stipulating Defendants and Defendant CASA, including service of the Complaint, should be stayed until 30 days after the Court’s decision on the motion to dismiss in *Freeman I*; (2) upon termination of the stay, service on the Stipulating Defendants with judicial process in *Tavera* in the manner provided by Federal Rule of Civil Procedure 4 will not be required; (3) the Stipulating Defendants otherwise retain all defenses and objections in *Tavera* except those related to service; and (4) the parties would confer in good faith regarding the most fair and efficient way to proceed following the Court’s decision on the motion to dismiss in *Freeman I*;

WHEREAS the Court granted the motion to dismiss the *Freeman I* Second Amended Complaint on September 16, 2019, *Freeman I* ECF No. 237;

WHEREAS Plaintiffs filed a motion for partial reconsideration on September 26, 2019, *Freeman I* ECF No. 239;

WHEREAS the Stipulating Defendants, Defendant CASA and Plaintiffs have conferred, and agree that the stay should be continued pending the Court’s decision on Plaintiffs’ motion for partial reconsideration in *Freeman I*.

IT IS HEREBY STIPULATED BY AND BETWEEN the undersigned counsel as follows:

1. The Stipulating Defendants’ and Defendant CASA’s time to move or answer in response to the *Tavera* Complaint or any *Tavera* amended complaint, and all further proceedings in *Tavera* related to the Stipulating Defendants and Defendant CASA, will be stayed until 30

days after the later of (1) the Court's ruling on the motion for partial reconsideration in *Freeman I* or, (2) if the Court schedules a status conference following the ruling, the date of that status conference.

2. Following the later of (1) a decision on the motion for partial reconsideration in *Freeman I*, or (2) a status conference following the ruling on the motion for partial reconsideration in *Freeman I*, the parties will confer in good faith regarding the most fair and efficient way to proceed in light of such ruling, with all parties' rights in this regard fully reserved.

IT IS FURTHER STIPULATED BY AND BETWEEN the undersigned counsel that, except as provided above, nothing in this Stipulation shall waive any right or defense of any party, all of which rights and defenses are expressly reserved.

Dated: October 17, 2019

THE NATIONS LAW FIRM

by



Howard L. Nations
3131 Briarpark Drive, Suite 208
Houston, Texas 77042
(713) 807-8400
howard@howardnations.com

Attorneys for the Tavera Plaintiffs

BURG SIMPSON ELDREDGE HERSH
& JARDINE, P.C.

by

Seth A. Katz
40 Inverness Drive East
Englewood, Colorado 80112
(303) 792-5595
skatz@burgsimpson.com

Attorneys for the Tavera Plaintiffs

days after the later of (1) the Court's ruling on the motion for partial reconsideration in *Freeman I* or, (2) if the Court schedules a status conference following the ruling, the date of that status conference.

2. Following the later of (1) a decision on the motion for partial reconsideration in *Freeman I*, or (2) a status conference following the ruling on the motion for partial reconsideration in *Freeman I*, the parties will confer in good faith regarding the most fair and efficient way to proceed in light of such ruling, with all parties' rights in this regard fully reserved.

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THE NATIONS LAW FIRM

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Howard L. Nations
3131 Briarpark Drive, Suite 208
Houston, Texas 77042
(713) 807-8400
howard@howardnations.com

Attorneys for the Tavera Plaintiffs

BURG SIMPSON ELDREDGE HERSH
& JARDINE, P.C.

by



Seth A. Katz
40 Inverness Drive East
Englewood, Colorado 80112
(303) 792-5595
skatz@burgsimpson.com

Attorneys for the Tavera Plaintiffs

SULLIVAN & CROMWELL LLP

by



Michael T. Tomaino, Jr.
Jeffrey T. Scott
Jonathan M. Sedlak
125 Broad Street
New York, NY 10004
(212) 558-4000
tomainom@sullcrom.com
scottj@sullcrom.com
sedlakj@sullcrom.com

*Attorneys for Defendants Barclays Bank PLC,
Barclays Bank PLC, New York Branch*

SULLIVAN & CROMWELL LLP,

by

Joseph E. Neuhaus
Alexander J. Willscher
125 Broad Street
New York, NY 10004
(212) 558-4000
neuhausj@sullcrom.com
willschera@sullcrom.com
grossa@sullcrom.com

*Attorneys for Defendants Crédit Agricole
S.A., Crédit Agricole Corporate & Investment
Bank, Crédit Agricole Corporate &
Investment Bank, New York Branch*

CLEARY GOTTlieb STEEN &
HAMILTON LLP

by

Jonathan I. Blackman
Carmine D. Boccuzzi, Jr.
Alexis Collins
One Liberty Plaza
New York, NY 10006
(212) 225-2000
jblackman@cgsh.com
cboccuzzi@cgsh.com
alcollins@cgsh.com

*Attorneys for Defendants Commerzbank AG,
Commerzbank AG, New York Branch, BNP
Paribas S.A., BNP Paribas S.A., New York
Branch*

SULLIVAN & CROMWELL LLP

by

Sharon L. Nelles
Andrew J. Finn
125 Broad Street
New York, NY 10004
(212) 558-4000
nelless@sullcrom.com
finna@sullcrom.com

*Attorney for Defendants Standard Chartered
Bank, Standard Chartered Bank, New York
Branch*

SULLIVAN & CROMWELL LLP

by

Michael T. Tomaino, Jr.
Jeffrey T. Scott
Jonathan M. Sedlak
125 Broad Street
New York, NY 10004
(212) 558-4000
tomainom@sullcrom.com
scottj@sullcrom.com
sedlakj@sullcrom.com

*Attorneys for Defendants Barclays Bank PLC,
Barclays Bank PLC, New York Branch*

CLEARY GOTTlieb STEEN &
HAMILTON LLP

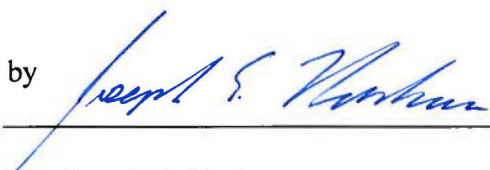
by

Jonathan I. Blackman
Carmino D. Boccuzzi, Jr.
Alexis Collins
One Liberty Plaza
New York, NY 10006
(212) 225-2000
jblackman@cgsh.com
cboccuzzi@cgsh.com
alcollins@cgsh.com

*Attorneys for Defendants Commerzbank AG,
Commerzbank AG, New York Branch, BNP
Paribas S.A., BNP Paribas S.A., New York
Branch*

SULLIVAN & CROMWELL LLP,

by


Joseph E. Neuhaus
Alexander J. Willscher
125 Broad Street
New York, NY 10004
(212) 558-4000
neuhausj@sullcrom.com
willschera@sullcrom.com
grossa@sullcrom.com

*Attorneys for Defendants Crédit Agricole
S.A., Crédit Agricole Corporate & Investment
Bank, Crédit Agricole Corporate &
Investment Bank, New York Branch*

SULLIVAN & CROMWELL LLP

by

Sharon L. Nelles
Andrew J. Finn
125 Broad Street
New York, NY 10004
(212) 558-4000
nelless@sullcrom.com
finna@sullcrom.com

*Attorney for Defendants Standard Chartered
Bank, Standard Chartered Bank, New York
Branch*

SULLIVAN & CROMWELL LLP

by

Michael T. Tomaino, Jr.
Jeffrey T. Scott
Jonathan M. Sedlak
125 Broad Street
New York, NY 10004
(212) 558-4000
tomainom@sullcrom.com
scottj@sullcrom.com
sedlakj@sullcrom.com

*Attorneys for Defendants Barclays Bank PLC,
Barclays Bank PLC, New York Branch*

SULLIVAN & CROMWELL LLP,


by

Joseph E. Neuhaus
Alexander J. Willscher
125 Broad Street
New York, NY 10004
(212) 558-4000
neuhausj@sullcrom.com
willschera@sullcrom.com
grossa@sullcrom.com

*Attorneys for Defendants Crédit Agricole
S.A., Crédit Agricole Corporate & Investment
Bank, Crédit Agricole Corporate &
Investment Bank, New York Branch*

CLEARY GOTTSLIEB STEEN &
HAMILTON LLP

by



Jonathan I. Blackman
Carmin D. Boccuzzi, Jr.
Alexis Collins
One Liberty Plaza
New York, NY 10006
(212) 225-2000
jblackman@cgsh.com
cboccuzzi@cgsh.com
alcollins@cgsh.com

*Attorneys for Defendants Commerzbank AG,
Commerzbank AG, New York Branch, BNP
Paribas S.A., BNP Paribas S.A., New York
Branch*

SULLIVAN & CROMWELL LLP

by

Sharon L. Nelles
Andrew J. Finn
125 Broad Street
New York, NY 10004
(212) 558-4000
nelless@sullcrom.com
finna@sullcrom.com

*Attorney for Defendants Standard Chartered
Bank, Standard Chartered Bank, New York
Branch*

SULLIVAN & CROMWELL LLP

by

Michael T. Tomaino, Jr.
Jeffrey T. Scott
Jonathan M. Sedlak
125 Broad Street
New York, NY 10004
(212) 558-4000
tomainom@sullcrom.com
scottj@sullcrom.com
sedlakj@sullcrom.com

*Attorneys for Defendants Barclays Bank PLC,
Barclays Bank PLC, New York Branch*

SULLIVAN & CROMWELL LLP,

by

Joseph E. Neuhaus
Alexander J. Willscher
125 Broad Street
New York, NY 10004
(212) 558-4000
neuhausj@sullcrom.com
willschera@sullcrom.com
grossa@sullcrom.com

*Attorneys for Defendants Crédit Agricole
S.A., Crédit Agricole Corporate & Investment
Bank, Crédit Agricole Corporate &
Investment Bank, New York Branch*

CLEARY GOTTlieb STEEN &
HAMILTON LLP


by

Jonathan I. Blackman
Carmine D. Boccuzzi, Jr.
Alexis Collins
One Liberty Plaza
New York, NY 10006
(212) 225-2000
jblackman@cgsh.com
cboccuzzi@cgsh.com
alcollins@cgsh.com

*Attorneys for Defendants Commerzbank AG,
Commerzbank AG, New York Branch, BNP
Paribas S.A., BNP Paribas S.A., New York
Branch*

SULLIVAN & CROMWELL LLP

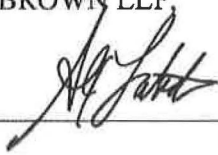
by


Sharon L. Nelles
Andrew J. Finn
125 Broad Street
New York, NY 10004
(212) 558-4000
nelless@sullcrom.com
finna@sullcrom.com

*Attorney for Defendants Standard Chartered
Bank, Standard Chartered Bank, New York
Branch*

MAYER BROWN LLP,

by



Marc R. Cohen
Alex C. Lakatos
1999 K Street, N.W.
Washington, DC 20006
(202) 263-3000
mcohen@mayerbrown.com
alakatos@mayerbrown.com

*Attorneys for Defendants Credit Suisse AG,
Credit Suisse AG, New York Branch*

CLIFFORD CHANCE US LLP,

by

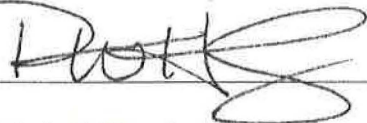
Robert G. Houck
Michael G. Lightfoot
31 West 52nd Street
New York, NY 10019-6131
(212) 878-8000
robert.houck@cliffordchance.com
michael.lightfoot@cliffordchance.com

Katie Barlow
2001 K Street NW
Washington, DC 20006-1001
(202) 912-5000
Katie.Barlow@cliffordchance.com

*Attorneys for Defendants Royal Bank of
Scotland N.V., Royal Bank of Scotland plc,
Royal Bank of Scotland plc, New York Branch*

MAYER BROWN LLP

by



Mark G. Hanchet
Robert W. Hamburg
1221 Avenue of the Americas
New York, NY 10020-1001
(212) 506-2500
mhanchet@mayerbrown.com
rhamburg@mayerbrown.com

*Attorneys for Defendants HSBC Holdings plc,
HSBC Bank plc, HSBC Bank Middle East
Limited, HSBC North America Holdings, Inc.,
HSBC Bank USA, N.A.*

MAYER BROWN LLP,

by

Marc R. Cohen
Alex C. Lakatos
1999 K Street, N.W.
Washington, DC 20006
(202) 263-3000
mcohen@mayerbrown.com
alakatos@mayerbrown.com

*Attorneys for Defendants Credit Suisse AG,
Credit Suisse AG, New York Branch*

MAYER BROWN LLP

by

Mark G. Hanchet
Robert W. Hamburg
1221 Avenue of the Americas
New York, NY 10020-1001
(212) 506-2500
mhanchet@mayerbrown.com
rhamburg@mayerbrown.com

*Attorneys for Defendants HSBC Holdings plc,
HSBC Bank plc, HSBC Bank Middle East
Limited, HSBC North America Holdings, Inc.,
HSBC Bank USA, N.A.*

CLIFFORD CHANCE US LLP,

by

Robert G. Houck
Michael G. Lightfoot
31 West 52nd Street
New York, NY 10019-6131
(212) 878-8000
robert.houck@cliffordchance.com
michael.lightfoot@cliffordchance.com

Katie Barlow
2001 K Street NW
Washington, DC 20006-1001
(202) 912-5000
Katie.Barlow@cliffordchance.com

*Attorneys for Defendants Royal Bank of
Scotland N.V., Royal Bank of Scotland plc,
Royal Bank of Scotland plc, New York Branch*

COVINGTON & BURLING LLP

by



John E. Hall
Mark P. Gimbel
The New York Times Building
620 Eighth Avenue
New York, New York 10018
(212) 841-1000
jhall@cov.com
mgimbel@cov.com

David M. Zionts
One City Center
850 Tenth Street NW
Washington, DC 20001
(202) 662-6000
dzionts@cov.com

*Attorneys for Defendants Deutsche Bank AG,
Deutsche Bank AG, New York Branch*

IT IS SO ORDERED, this ____ day of _____, 2019:

LaShann DeArcy Hall
United States District Court Judge